

United States District Court
for the
Southern District of New York

Joshua Adam Schulte
Plaintiff

Case No. 20-cv-2795
(to be filled by the Clerk's
office)

- v -

Bureau of Prisons and
Unknown Bureau of Prisons
officers
Defendants

COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS
(Prisoner Complaint)

I. The Parties to This Complaint

A. The Plaintiff(s)

Name: Joshua Adam Schulte

All other names: Josh

ID Number: #79471854

Current Institution: Metropolitan Correctional Center (MCC)

Address: 150 Park Row
New York, NY 10007

B. The Defendant(s)

Defendant No. 1

Name:

Job or Title: Warden of MCC

Shield Number:

Employer: MCC / BOP

Address:

☐ Individual Capacity

☒ Official Capacity

Defendant No. 2

Name:

Bureau of Prisons (BOP)

Job or Title:

Shield Number:

Employer:

Address:

☐ Individual Capacity

☒ Official Capacity

Defendant No. 3

Name: Unknown name and unknown number of officers

Job or Title:

Shield Number:

Employer: Bureau of Prisons

Address:

☒ Individual Capacity ☒ Official Capacity

III. Basis for Jurisdiction

A. Are you bringing suit against:

☒ Federal officials (a Bivens claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [Federal laws]." 42 U.S.C. § 1983. If you are suing under Section 1983, what federal constitutional or statutory rights do you claim is/are being violated by state or local officials?

N/A

C. Plaintiffs suing under Bivens may only recover for the violation of certain constitutional rights. If you are suing under Bivens, what constitutional rights do you claim is/are being violated by Federal officials?

Violations of the 1st, 4th, 5th, and 8th Amendments

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee
- ☐ Civilly Committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain)

IV. Statement of Claim

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

The events took place at MCC from my cage on unit 10 South, 10 South, 9 South, the 9 South Sally Port, R & D, and the R&D annex. The events took place on Sunday, March 8, 2020 from approximately 5AM-7AM.

C. What date and approximate time did the events giving rise to your claim(s) occur?

On Sunday, March 8, 2020 from approximately 5AM-7AM

D. What are the facts underlying your claim(s)? (For example: what happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Sustained injuries due to excessive force. Shoulder pulled back and dislocated; wrists cut, Multiple falls and dragged across the ground caused bruising. No medical treatment received, but
Possible concussion

VI. Relief

I request \$10,000 in damages for injuries sustained. \$250,000 in punitive damages from unknown BOP official running the show ("Hitler") for 1st Amendment violations. \$100,000 in punitive damages from each officer engaged in 4th Amendment violations. \$250,000 in punitive damages from each unknown officer who used excessive force against me and forced me to freeze in the outside temperatures in violation of the 5th and 8th Amendments. \$10 Million in punitive damages from the BOP

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ YES — MCC NY

☐ NO

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ YES

☐ NO

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ YES

☒ NO

☐ Don't know

D. Did you file a grievance in the jail, prison, or other correctional facility where your claims arose concerning the facts relating to the complaint?

☐

YES

☒

NO

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐

YES

☒

NO

E. If you did file a grievance:

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, State them here:

This incident does not fall under the grievance policy. There is nothing that can be filed as it was a single, non-continuing incident involving the denial of basic Constitutional Rights guaranteed by the Bill of Rights. There is nothing that can be done except petition the courts for monetary damages.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when, and how, and their response, if any:

As the BOP officers were hurting me and violating my Constitutional Rights, I informed them verbally and requested them to stop. They responded by laughing and hurting me more.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

No administrative remedies are available. I have asked for the past 4 months for BP-Bs and BP-Cs for other issues and unit manager Proto has refused to give me any. Additionally, I have an outstanding civil case where the MCC failed to ever respond to my request for administrative remedy. The grievance process is NOT available to me.

VIII. Previous lawsuits

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"

☐ YES

☒ NO

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ YES

☒ NO

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below.

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ YES

☐ NO

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7.

1. Parties to the previous lawsuit

Plaintiff(s) Joshua Adam Schulte

Defendant(s) Attorney General of the United, et al.

2. Court: Federal Court in the Southern District of New York

3. Docket or Index number: 19 CV 3346; COA: 19-2940
19-3097

4. Name of Judge assigned: Paul A. Crotty

5. Approximate date of filing lawsuit: 4/15/19

6. Is the case still pending?

☒ YES

☐ NO

7. What was the result of the case?

Pending Rehearing in the Court of Appeals for the 2nd Circuit

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: 3/8/2020

Signature of Plaintiff:

Printed Name of Plaintiff:

Prison Identification #

Prison Address:

Joshua Adam Schulte

Joshua Adam Schulte

Slave # 79471054

MCC

150 Park Row

New York, NY 10007

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Complaint for Violation of Civil Rights Attachment

IV. Statement of Claim

D. What are the facts underlying your claims?

On the morning of 3/8/20, at around 5AM, BOP officials began moving around loudly — turning on my light and banging on my door. After awaking from this commotion, I tried to ~~go back to sleep~~ go back to sleep. I eventually hear one of the officers say, "this is Sholet. He's the one with child pornography — they say three levels of encrypted child pornography. Let's get him."

The BOP officers then unlocked my cage and rushed me — nearly 20 officers ran into my cage and grabbed me, pushing me down against the mattress. Using excessive force, they twisted my arms behind my back, handcuffed me, and yanked me out of bed. They put socks on my feet and forcefully dragged me from the cage while shouting at me. I asked what was going on, but was shoved out into the hall. About ten BOP officials then entered my cage and began to ransack it.

A second set of ten BOP officials turned me backwards, shoved my head down so I was bowing, and began to forcefully and aggressively drag me, backwards, through the hall. Two BOP officials held what appeared to be paintball guns and pointed the guns at me. I also noticed all of the BOP officials removed their names from their uniforms. Since they were continually holding my head down in a bowing motion, I could not identify any of the officers.

They lead me backwards. One officer pushing my head down from behind, as others pull me from the handcuffs around my wrists, cutting me. I tell them they are hurting me, which only encourages them to pull me more, knocking me down. I fall hard to the ground and bruise my ankles — they then shout & begin to drag me. I ~~fall~~ stand and then I'm knocked down again. We reach the 105 door and they lead me backwards down the stairs. My vision blurs and I believe I'm suffering a concussion from the second fall.

They drag me backwards through 95 and into the Sallyport, into the elevator, and out to R&D. We then move into the R&D annex with the X-Ray machine. The BOP officers command me to undergo an X-ray, but I inform them I do not consent to an X-ray and ask to be stripped instead. They force me to undergo the X-ray at the point of a gun. They then tell me to strip. Ten to fifteen officers watch as I hand them each article of clothing until I'm fully nude. They tell me to separate my pens from my sack and show them. They then command me to turn around, squat, and spread my asscheeks so they can examine my rectum.

After the rectal exam, they throw me my clothes. Still cuffed, I'm led back to 105. When we return, the officers have not yet finished ransacking my cage, so the lead officer, "Hitler", orders the officers to drag me into the rec cage. This cage has an open window to the outside and is freezing cold. I tell "Hitler" it is freezing as I only have a t-shirt and boxers. I request he move me out of the cold. "Hitler" orders me to "shut the fuck up" and orders his Gestapo to "show his mouth up against the wall to shut him up." I protest and tell him I have a first amendment right to free speech — he informs me that I do not and the Gestapo carries out his orders.

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The Gestapo shove my face into the wall so I can not speak and I cry out in pain. I tell them they are hurting me so they pull my handcuffed arms up behind my back and begin to hurt my shoulders. They then dislocate my shoulder. I began to shiver from the extreme cold. As I am shaking with cold, I catch ~~at~~ a glimpse of the officer to my left — he has a glimmer in his eye and is clearly enjoying my suffering.

This BOP Gestapo is ruthless, vindictive, sadistic and pure evil. They continue to hold me in the extreme cold for nearly 30 minutes even though there are other places to hold me. They finally throw me back into my ransacked cage without any clothes, bed sheets, or blankets. They went through my legal papers and emptied them all on the floor. They confiscated several legal items I possessed including commissary items I purchased. They also confiscated my medication — they left me like this, without bed sheets or proper clothing.

To my knowledge, the BOP did this to only myself, and seemingly because I stand accused (wrongfully) of possession of child pornography. ~~The~~ Regardless, the BOP Gestapo was overly aggressive and used excessive force in an individual accused of non-violent crimes and who has never received any BOP disciplinary infractions. The BOP Gestapo hurt me, and then when I informed them they were hurting me, they hurt me more — deriving sadistic pleasure from my pain and suffering. They dislocated my shoulder, cut my wrists, gave me a concussion, and bruised my ankles and legs — all for what? I was never informed the reason for all the

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The BOP Gestapo tried to conceal their illegal acts by removing their name tags and forcing my head down so I could not identify anyone. However, the cameras will prove what they did. These deranged individuals were simply looking to get their fix for torture and violence — and they must be held accountable for their actions. I am a pretrial inmate, never convicted of any crime — I have Constitutional Rights, basic human rights that the court should honor and uphold.

United States District Court for the Southern District of NY

Clerks Office,

Attached is the Pro Se 14 (Rev. 12/16) Complaint for Violations of Civil Rights (Prisoners).

Despite repeated mailed requests to the Clerks Office, I was unable to receive the forms — so I recreated them from my previous civil rights complaint. Even though I recreated from notebook paper, I do not see why it would not be acceptable by the court. I requested a copy, but never received one so I make do with what I had.

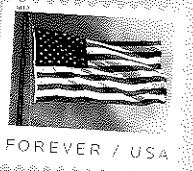
If this court cannot accept my recreated form, then PLEASE send me the appropriate forms — I'm incarcerated and have no way to access them.

Thanks,

Josh Schulte
bet Schulte

3/2/20

Josh Schulman
MCC
150 Park Row
New York, NY 10007



ATTN: New prisoner complaint for violation of civil rights
Clerks Office

Southern District of New York
500 Pearl Street
NY, NY 10007

MAILED
APR 2 2020

APR 2 2020 PM 2:51
NEW YORK, NY

Pro Se
Intake
(12)